UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1833 '08 JUN 12 PM 1:39

UNITED STATES OF AMERICA	) Magistrate Docket No._____
	)
	) COMPLAINT FOR VIOLATION OF:
Plaintiff	)
	) **TITLE 18 U.S.C. § 1544**
v.	) **Misuse of Passport (Felony)**
	)
Miguel Angel PACAS-GARCIA	)
	)
Defendant	)
	)
	)

The undersigned complainant, being duly sworn, states:

On or about June 11, 2008, within the Southern District of California, Defendant Miguel Angel PACAS-GARCIA did knowingly and willfully use a U.S. Passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry into the United States by presenting U.S. Passport number 711246165, issued to Diego Salvador POLITRON-ACOSTA to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that he was not Diego Salvador POLITRON-ACOSTA, and that the U.S. Passport was not issued or designed for his use; all in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This _12th_ day of _June_ , 2008.

_____ UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1.   I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2.   During the performance of my duties, I have obtained evidence that Miguel Angel PACAS-GARCIA, hereafter referred to as DEFENDANT, used a U.S. Passport, not belonging to him, as identification to apply for entry into the U.S. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport

3.   On or about June 11, 2008, DEFENDANT presented U.S. Passport number 711246165 in the name of Diego Salvador POLITRON-ACOSTA to a Customs and Border Protection (CBP) Officer with the intent to gain entry to the U.S. DEFENDANT was referred for secondary inspection where he was fingerprinted and a previous criminal record and the true identity of DEFENDANT was revealed.

4.   Checks of the U.S. Department of State, U.S. Passport database revealed that U.S. Passport number 711246165 had been issued on August 9, 2006, to Diego Salvador POLITRON-ACOSTA.

5.   On June 11, 2008 at approximately 1428 hrs, a DSS Special Agent and a CBP Officer interviewed DEFENDANT at the San Ysidro Port of Entry. DEFENDANT read a Miranda warning and indicated that he understood his rights. DEFENDANT waived his rights and signed a Miranda waiver. DEFENDANT admitted that his true name was Miguel Angel PACAS-GARCIA, that his true date of birth was October 9, 1985, that his true place of birth was in Mexico, and that the U.S. Passport he used on this day was not issued to him for his use. DEFENDANT admitted that he promised to pay an individual $200 if the U.S Passport he was provided facilitated his entry into the U.S. DEFENDANT stated that he had been living in the U.S. for an extended period of time illegally. DEFENDANT made an oral recorded statement and a written statement.

6.   On the basis of the facts presented in this probably cause statement, there is probable cause to believe that the DEFENDANT named in this probable cause statement, committed the offense on June 11, 2008 – in violation of Title 18 U.S.C., Section 1544, Misuse of a Passport – when he knowing and willfully used the U.S. Passport belonging to another, Diego Salvador POLITRON-ACOSTA, knowing that it was not issued to him or designed for his use.